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Report of the Secretary-General

ANNEX

Submission from the Government of the Republic of Slovenia
dated 10 February 1998

GE.98 -13110

The Permanent Mission of the Republic of Slovenia to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has, in response to the note of the Secretary-General of 2 December 1997, the honour to forward the reply of the Republic of Slovenia to the "Questionnaire of the Human Rights of Migrants".

The Permanent Mission of the Republic of Slovenia to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

REPUBLIKA SLOVENIJA STALNA MISIJA PRI URADU ZN V ŽENEVI

Geneva, February 10, 1998

The following is the reply of Slovenia to the "Questionnaire of the Human Rights of Migrants" (transmitted by the note of the Secretary-General of 2 December 1997):

Ad. 1

- Total population, including non-nationals, preferably by nationality of origin

The total population of the Republic of Slovenia is 2,012,356, including 1,973,459 citizens of the Republic of Slovenia; 4.677 foreigners have registered permanent residence, 34,220 temporary residence. 3.861 refugees from Bosnia and Herzegovina are also currently present in Slovenia..

The majority of the foreigners with registered permanent residence in the Republic of Slovenia are the citizens of Bosnia and Herzegovina (1,680), the citizens of the FRY (Serbia and Montenegro) (1,319), of Croatia (847), of Italy (193), of Germany (150).

The majority of persons with registered temporary residence are citizens of Bosnia and Herzegovina (12,512), the FRY (Serbia and Montenegro) (10,418), the Republic of Croatia (6,328), the Republic of Macedonia (2,390), Italy (276), Ukraine (261), Germany (202).

- Number of nationals abroad, preferably by country of residence

30,327 citizens of the Republic of Slovenia live abroad, mostly in European countries and in the USA, Canada, Australia.

Non-nationals having the authorisation to work in the country

In the Republic of Slovenia, 24.079 non-nationals were holders of a valid work permit, and 654 of a business visa as at 30 September 1997. The majority of the holders of a valid work permit were citizens of Bosnia and Herzegovina (8,694), the FRY (Serbia and Montenegro) (8.377), the Republic of Croatia (3,693), the Republic of Macedonia (1,974), Ukraine (168), China (60), Albania (56). The majority of the holders of valid business visa were citizens of the Republic of Croatia (167), Bosnia and Herzegovina (143), the FRY (Serbia and Montenegro)(68), Italy (54), the Republic of Macedonia, Austria and China.

- Estimate of irregular migrants, including visa abusers, by country of origin

4,936 cases concerning illegal border crossing occurred in the first nine months of 1997. In the same period, 330 falsified visas were found.

Ad. 2

Which measures have been undertaken for the protection and implementation of the human rights of migrants?

After gaining independence in 1991, the Republic of Slovenia adopted several laws in the domain of internal affairs, including:

- The Citizenship Act of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, Nos. 1/91, 30/91, 38/92 and 13/94);

- Border Control Act (Official Gazette of the RS, No. 1/91) and for the issues relating to foreigners and refugees;

- Law on Foreigners (Official Gazette of the RS, Nos. 1/91 and 44/97).

In addition to the laws governing internal affairs, the migrant issue is also regulated by: Social Security Act (Official Gazette of the RS Nos. 54/92 and 56/92), Medical Care and Medical Insurance Act (Official Gazette of the RS Nos. 9/92 and 13/93) and Family Income Act (Official Gazette of the RS Nos. 65/93, 71/94 73/95) as well as Primary School Act (Official Gazette of the RS No. 12/96), High School Act (Official Gazette of the RS No. 12/96), Vocational and Professional Education Act (Official Gazette of the RS No. 12/96).

In the field of education, the Ministry of Education and Sport is in charge of the schooling of the children of migrants. The schooling of these children is organised in compliance with the existing Primary School Act, according to which all children living in Slovenia have the right to compulsory primary schooling on equal terms. This act also provides for the organisation of the teaching of mother tongue and culture. The latter is important in the event of the return of the temporary immigrants to their country of origin, and can also be encouragement for such a return.

In high schools, foreign citizens may enjoy education and schooling under the same conditions as the citizens of the Republic of Slovenia, when they attend school on the basis of the principle of reciprocity between countries. This also applies to vocational and professional schools.

The teaching of mother tongue to the children of immigrants is organised on the model of instructing the children of Slovene emigrant workers in Europe in Slovene, i.e. mainly upon the relevant associations' initiative. The Ministry of Education and Sport co-operates in giving its consent to the teacher nominated and providing its expert advice. The strongest group of children - around one hundred of them - attend the lessons of Macedonian language once a week in Jesenice, Ljubljana, Kranj and Maribor. Smaller groups attend the lessons of Albanian and Arabic languages.

In accordance with the decision of the Government of the Republic of Slovenia and on the basis of arrangements between the Ministry of Education and Sport of the Republic of Slovenia and the Ministry of Education of the Republic of Bosnia and Herzegovina, a parallel abridged curriculum in their mother tongue, recognised as regular schooling in Bosnia and Herzegovina, has been organised for school-age children from Bosnia and Herzegovina with temporary refugee status.

In the field of family policy, the children of migrants or one of their parents resident in the Republic of Slovenia are entitled to a child allowance under the condition of reciprocity if the child is not a Slovene citizen. Provided that at least one of the

migrant parents is employed in the Republic of Slovenia, he/she also has the right to a child allowance for a child/children who are not resident in the Republic of Slovenia, if the child is not a citizen of the Republic of Slovenia and if a treaty so stipulates.

In administrative procedures involving foreigners the Convention for the Protection of Human Rights and Fundamental Freedoms (Official Gazette of the RS, No. 7/94 - treaties) is also taken into account, and in procedures involving refugees the 1951 Geneva Convention on the Status of Refugees and the 1967 New York Protocol as well as the bilateral agreements to which Slovenia has acceded and which govern mainly the issue of social security of migrant workers and the question of crossing of state borders (issue of visas).

During all these years it has become evident that in the domain of asylum and asylum seekers a special act regulating this matter is necessary. Consequently, on the basis of the resolution of the Government of the Republic of Slovenia, the procedure for drafting a new Asylum Act as well as a new Law on Foreigners has been initiated. In this way the Republic of Slovenia wants to bring into line its legislation procedures regarding asylum seekers with the European legislation, taking into account the provisions of the Dublin Convention and of the Schengen Agreement. We are aware of the fact that the regulations relating to migrations and asylum need to be constantly upgraded and harmonised with other European states and including neighbouring states. In this way the migration flows will take the desired direction. In 1997 the Slovene Parliament adopted the new Law on Temporary Protection (Official Gazette No. 41/97). On the basis of this law, the Government of the Republic of Slovenia adopted the Regulation on acquiring temporary shelter for the citizens of the Republic of Bosnia and Herzegovina.

Ad. 3

It is estimated that in Slovenia racism, xenophobia and discrimination have not reached the level as can be found in some other European countries. However, many indicators show that these problems have to be followed closely so that the special measures can be taken immediately when such phenomena occur. Three criminal acts motivated by racism and xenophobia were under consideration in the period from 1991 to 1997.

An important role in the prevention of racism, xenophobia and other forms of discrimination against migrants is played by non-governmental organisations protecting human rights and the rights of the child. These organisations contribute to tolerance for migrants with their programmes, and they also point to violations of human rights and rights of the child. These organisations include: the Amnesty International, Slovenian Association of Friends of Youth , UNICEF, Slovene Foundation, Culture Association KUD France Prešeren, UN Association and others.

Ombudsman, which protects human rights in the Republic of Slovenia, also contributes to preventing and solving the cases of racism, xenophobia and other forms of discrimination against migrants.

Ad . 4

After gaining independence in 1991, the Republic of Slovenia succeeded, in accordance with the Constitutional Act on the Implementation of the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia, the ILO Conventions: the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97) and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143).

The Republic of Slovenia submits regular reports on the implementation of both Conventions to the International Labour Organisation.